

In re Patent Application of  
**Pierson et al**  
Serial No. 09/596,374  
Filed June 19, 2000

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### **REMARKS**

Applicant herein responds to the outstanding Office action.

#### **The Claims Are Novel Over The Cited Reference**

All pending claims stand rejected under 37 U.S.C. 102(e) as anticipated by Sanford (US 6,536,039). For the reasons set forth below, Applicants respectfully disagree. The amendments and remarks are focused on independent claims 1, 6, 11 and 12, since if these claims are found patentable, their respective dependent claims will be patentable as well.

Applicants have amended independent claims 1, 6, 11 and 12 to more clearly indicate that the invention updates by communicating and storing only the actual changes in digital information between new updates and the original content data on the CD. The amendments are fully supported in the specification as filed, starting on page 11, line 24, through page 12, line 19. The amendments include no new matter.

Applicants have previously pointed out that the Sanford reference (US 6,536,039) teaches only updating CD files by communicating and storing entire software modules in the computer's hard drive. Please see Sanford at: column 3, lines 61-66; column 4, lines 1-7, lines 9-16, and lines 36-42; column 5, lines 37-41 and 59-63. See also Sanford claim 1b wherein the claim recites "downloading a *module*" (emphasis added). Further, independent claims 7 and 8 also require program modules.

Therefore, Applicants respectfully assert that there is no anticipation because Sanford does not describe updating by communicating and storing only the actual changes in digital information between new updates and the original content data. Thus, Applicants respectfully request that the rejection of the claims as lacking novelty over Sanford be withdrawn.

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### **Conclusion**

In view of the amendments and the remarks presented herein, it is submitted that these claims are patentable. In addition, their respective dependent claims, which recite yet further distinguishing features, are also patentable and require no further discussion.

If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,



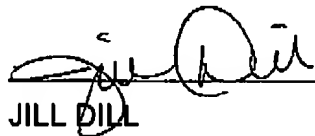
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